

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:06CR353
Plaintiff,	)	
	)	
v.	)	
	)	ORDER
JULIAN ARANA-SANTIBANEZ,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court on the government's motion to continue trial, Filing No. 61, currently set for July 16, 2007. The court notes that no objection has been filed by the defendant, and in any event the government represents to the court that defense counsel has no objection to this motion. However, the court has made numerous attempts to contact counsel for the defendant, and when the court did in fact reach counsel, he represented that a waiver of speedy trial would be provided to the court. No such waiver has yet materialized. The record does not reflect that the defendant joins in a motion for continuance. It simply reflects that the defendant accedes to the request by the government. The defendant has never made a record tolling the speedy trial clock.

The court finds that the government's motion for continuance is granted. The delay in trial will be no greater than a week. The government's witnesses are not available for trial on July 16, 2007. For good cause shown the court finds that a continuance is in the interests of justice and accordingly tolls the running of the speedy trial clock until July 23, 2007.

The court further finds that defense counsel has not responded to the requests of this court for information concerning trial status and has made himself inexplicably unavailable to court staff. The court finds that a hearing to determine counsel's continued status to practice before the court without local counsel is necessary.

THEREFORE, IT IS ORDERED:

1. Jury selection in this matter shall proceed on **Monday, July 23, 2007, at 8:30 a.m.**, Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska.

2. The government's motion to continue is granted.

3. The ends of justice justify the tolling of the speedy trial clock until trial on July 23, 2007.

4. A hearing to show cause why defense counsel's pro hoc vice status should not be restricted to require him to obtain local counsel is scheduled for Friday, **July 20, 2007 at 3:30 p.m. (CDT)**, Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska. Defense counsel may appear telephonically by notifying chambers (402/661-7302) at least 24 hours in advance of the hearing of the phone number where he can be reached. If defendant wishes to participate in this hearing, and if a interpreter is required, defense counsel must notify chambers (402/661-7302) within 48 hours of the hearing.

DATED this 13<sup>th</sup> day of July, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge